



ATTORNEY DOCKET NO. 04137.0003U3  
PATENT

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
NI et al. ) Confirmation No. 1025  
Application No. 10/652,622 ) Group Art: 1635  
Filed: August 29, 2003 ) Examiner: Schnizer, Richard A.  
FOR: DELIVERY OF PHYSIOLOGICAL AGENTS )  
WITH IN-SITU GELS COMPRISING ANIONIC )  
POLYSACCHARIDES )

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

BALLARD SPAHR ANDREWS &  
INGEROLL, LLP  
Customer No. 23859

July 16, 2008

Sir:

Pursuant to the requirements of 37 C.F.R. § 1.56, submitted herewith on the accompanying Information Disclosure Statement List is a listing of documents known to Applicants and/or their attorneys. In accordance with 37 C.F.R. §1.98(a)(2), copies of any cited U.S. patent or U.S. patent application publication documents are not enclosed. Copies of any cited foreign patent document and/or any non-patent publication are enclosed.

CONSIDER

In accordance with the provisions of M.P.E.P. § 2001.06(b) and 37 C.F.R. § 1.98(b)(3), Applicants would like to bring to the attention of the Examiner the existence of the co-pending patent application(s) identified below, which were filed in the United States Patent and Trademark Office:

|    | <b>Application No.</b> | <b>Date Filed</b> | <b>Inventors</b> | <b>Attorney Docket No.</b> |
|----|------------------------|-------------------|------------------|----------------------------|
| 1. | 11/437,993             | May 19, 2006      | Ni et al.        | 04137.0002U6               |

This pending application is stored in the Image File Wrapper (IFW) system of the USPTO. Accordingly, copies of the cited specification, including the claims and drawings

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH 1 R.S./  
02 FC:1006  
07/18/2008 WASFAN1 00000024 10552622  
180.00 IP

**ATTORNEY DOCKET NO. 04137.0003U3**  
**ATTORNEY DOCKET NO. 10/652,622**

thereof, are not enclosed in accordance with the waiver to 37 CFR 1.98(a)(2)(iii) dated September 21, 2004.

**US Prosecution**

Applicant would like to bring to the Examiner's attention the following materials from the prosecution history of U.S. Application Serial No. 10/422,867 (04137.0002U3):

| Date       | Document                                                                      |
|------------|-------------------------------------------------------------------------------|
| 3-28-2008  | Response after Non-Final Rejection                                            |
| 2-8-2008   | Non-Final Rejection                                                           |
| 1-11-2008  | Response after Final Rejection                                                |
| 1-11-2008  | Terminal Disclaimer                                                           |
| 12-6-2007  | Final Rejection                                                               |
| 10-16-2007 | Response after Non-Final Rejection                                            |
| 7-10-2007  | Non-Final Rejection                                                           |
| 5-14-2007  | Response after Final Rejection                                                |
| 5-14-2007  | Terminal Disclaimer                                                           |
| 4-2-2007   | Final Rejection                                                               |
| 4-2-2007   | Examiner Interview Summary Record                                             |
| 1-8-2007   | Response after Non-Final Rejection                                            |
| 1-8-2007   | Terminal Disclaimer                                                           |
| 9-5-2006   | Non-Final Rejection                                                           |
| 8-8-2006   | Petition to Withdraw from Issue                                               |
| 8-8-2006   | Request for Continued Examination                                             |
| 11-21-2005 | Notice of Allowance and Fees Due                                              |
| 10-17-2005 | Pre-Brief Conference request                                                  |
| 10-17-2005 | Notice of Appeal filed                                                        |
| 6-15-2005  | Final Rejection                                                               |
| 3-28-2005  | Response after Non-Final Rejection                                            |
| 3-10-2005  | Informal or Non-Responsive Amendment                                          |
| 2-17-2005  | Notice to the Applicant regarding a non-compliant or non-responsive amendment |
| 2-7-2005   | Informal or Non-Responsive Amendment                                          |
| 10-5-2004  | Non-Final Rejection                                                           |
| 9-7-2004   | Preliminary Amendment                                                         |
| 4-15-2004  | Miscellaneous Incoming Letter                                                 |
| 10-16-2003 | Preliminary Amendment                                                         |

Applicant would also like to bring to the Examiner's attention the following materials from the prosecution history of U.S. Application Serial No. 11/437,993 (04137.0002U6):

ATTORNEY DOCKET NO. 04137.0003U3  
ATTORNEY DOCKET NO. 10/652,622

| Date      | Document              |
|-----------|-----------------------|
| 4-9-2008  | Non-Final Rejection   |
| 12-6-2007 | Preliminary Amendment |
| 8-22-2006 | Preliminary Amendment |
| 7-13-2006 | Preliminary Amendment |

All of these materials are available in the USPTO image file history of an application to which the instant application claims priority. Nonetheless, copies of these materials are also enclosed.

**Foreign Prosecution**

Applicant would like to bring to the Examiner's attention the Canadian Office Action issued for Canadian application 2,331,744, the counterpart of the present U.S. Application.

Applicant would like to bring to the Examiner's attention the following materials from the foreign prosecution of the following related applications.

- Chinese Office Action in Chinese application 02807315.0.
- Chinese Office Action in Chinese application 200480024847.8.
- Eurasian Office Action in Eurasian application 200600484.
- European Office Action in European application 02780737.9.
- Korean Office Action in European application 10-2003-7011262.

Consideration of the cited documents and making the same of record in the prosecution of the above-referenced application are respectfully requested.

This Information Disclosure Statement is believed to be filed in a timely manner pursuant to 37 C.F.R. § 1.97(c), in that neither a final Office Action nor a Notice of Allowance has been mailed to Applicants. Accordingly, Applicants enclose the fee required under 37 C.F.R. § 1.97(c)(2) and 37 C.F.R. § 1.17(p).

A credit card payment submitted via Form PTO-2038 in the amount of \$1230.00 is enclosed. This payment includes the \$180.00 fee for the Supplemental IDS under 37 C.F.R. § 1.97(c)(2) and 37 CFR § 1.17(p) and the \$1050.00 fee for the Three-Month Extension of Time

ATTORNEY DOCKET NO. 04137.0003U3  
ATTORNEY DOCKET NO. 10/652,622

under 37 C.F.R. § 1.17(a)(3). No additional fees are believed to be due; however, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

BALLARD SPAHR ANDREWS &  
INGEROLL, LLP

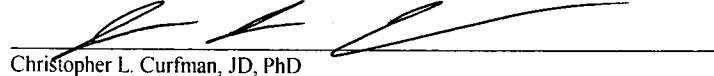


Christopher L. Curfman, JD, PhD  
Registration No. 52,787

BALLARD SPAHR ANDREWS & INGEROLL, LLP  
Customer Number 23859  
(678) 420-9300 (Phone)  
(678) 420-9301 (Facsimile)

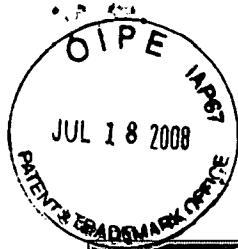
**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Christopher L. Curfman, JD, PhD

July 16, 2008  
Date



**INFORMATION DISCLOSURE STATEMENT LIST  
PURSUANT TO 37 CFR 1.98(a)(1)-(2) and (b)(3)-(4)  
FOR APPLICATION NO. 10/652,622**  
**APPENDIX A – LIST OF PROSECUTION DOCUMENTS**

| DOCUMENTS FROM THE PROSECUTION OF OTHER U.S. AND FOREIGN PATENT APPLICATIONS |                   |                 |            |                                                                               |
|------------------------------------------------------------------------------|-------------------|-----------------|------------|-------------------------------------------------------------------------------|
| Examiner's Initials                                                          | Attorney Docket # | Application No. | Date       | Document                                                                      |
|                                                                              | 04137.0002U3      | 10/422,867      |            |                                                                               |
|                                                                              |                   |                 | 3-28-2008  | Response after Non-Final Rejection                                            |
|                                                                              |                   |                 | 2-8-2008   | Non-Final Rejection                                                           |
|                                                                              |                   |                 | 1-11-2008  | Response after Final Rejection                                                |
|                                                                              |                   |                 | 1-11-2008  | Terminal Disclaimer                                                           |
|                                                                              |                   |                 | 12-6-2007  | Final Rejection                                                               |
|                                                                              |                   |                 | 10-16-2007 | Response after Non-Final Rejection                                            |
|                                                                              |                   |                 | 7-10-2007  | Non-Final Rejection                                                           |
|                                                                              |                   |                 | 5-14-2007  | Response after Final Rejection                                                |
|                                                                              |                   |                 | 5-14-2007  | Terminal Disclaimer                                                           |
|                                                                              |                   |                 | 4-2-2007   | Final Rejection                                                               |
|                                                                              |                   |                 | 4-2-2007   | Examiner Interview Summary Record                                             |
|                                                                              |                   |                 | 1-8-2007   | Response after Non-Final Rejection                                            |
|                                                                              |                   |                 | 1-8-2007   | Terminal Disclaimer                                                           |
|                                                                              |                   |                 | 9-5-2006   | Non-Final Rejection                                                           |
|                                                                              |                   |                 | 8-8-2006   | Petition to Withdraw from Issue                                               |
|                                                                              |                   |                 | 8-8-2006   | Request for Continued Examination                                             |
|                                                                              |                   |                 | 11-21-2005 | Notice of Allowance and Fees Due                                              |
|                                                                              |                   |                 | 10-17-2005 | Pre-Brief Conference request                                                  |
|                                                                              |                   |                 | 10-17-2005 | Notice of Appeal filed                                                        |
|                                                                              |                   |                 | 6-15-2005  | Final Rejection                                                               |
|                                                                              |                   |                 | 3-28-2005  | Response after Non-Final Rejection                                            |
|                                                                              |                   |                 | 3-10-2005  | Informal or Non-Responsive Amendment                                          |
|                                                                              |                   |                 | 2-17-2005  | Notice to the Applicant regarding a non-compliant or non-responsive amendment |
|                                                                              |                   |                 | 2-7-2005   | Informal or Non-Responsive Amendment                                          |
|                                                                              |                   |                 | 10-5-2004  | Non-Final Rejection                                                           |
|                                                                              |                   |                 | 9-7-2004   | Preliminary Amendment                                                         |
|                                                                              |                   |                 | 4-15-2004  | Miscellaneous Incoming Letter                                                 |
|                                                                              |                   |                 | 10-16-2003 | Preliminary Amendment                                                         |
|                                                                              | 04137.0002U6      | 11/437,993      |            |                                                                               |
|                                                                              |                   |                 | 4-9-2008   | Non-Final Rejection                                                           |
|                                                                              |                   |                 | 12-6-2007  | Preliminary Amendment                                                         |
|                                                                              |                   |                 | 8-22-2006  | Preliminary Amendment                                                         |
|                                                                              |                   |                 | 7-13-2006  | Preliminary Amendment                                                         |
|                                                                              | 04137.0002CA1     | CA 2,331,744    |            |                                                                               |
|                                                                              |                   |                 | 4-17-2007  | Canadian Office Action                                                        |
|                                                                              |                   |                 | 2-14-2008  | Canadian Office Action                                                        |
|                                                                              | 04137.0003CN1     | CN 02807915.0   |            |                                                                               |
|                                                                              |                   |                 | 1-21-2005  | Chinese Office Action                                                         |
|                                                                              |                   |                 | 9-16-2005  | Chinese Office Action                                                         |

818539

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.S./

**INFORMATION DISCLOSURE STATEMENT LIST**  
**PURSUANT TO 37 CFR 1.98(a)(1)**  
**FOR APPLICATION NO. 10/652,622**  
**APPENDIX A – LIST OF OTHER DOCUMENTS**  
**Page 2 of 2**

| DOCUMENTS FROM THE PROSECUTION OF OTHER U.S. AND FOREIGN PATENT APPLICATIONS |                   |                    |            |                        |
|------------------------------------------------------------------------------|-------------------|--------------------|------------|------------------------|
| Examiner's Initials                                                          | Attorney Docket # | Application No.    | Date       | Document               |
|                                                                              | 04137-0003CN2     | CN1200480024847.8  |            |                        |
|                                                                              |                   |                    | 11-9-2007  | Chinese Office Action  |
|                                                                              | 04137-0003EA1     | EA 200600484       |            |                        |
|                                                                              |                   |                    | 1-16-2008  | Eurasian Office Action |
|                                                                              | 04137-0003EP1     | EP 02780737.9      |            |                        |
|                                                                              |                   |                    | 5-28-2007  | European Office Action |
|                                                                              | 04137-0003KR1     | KR 10-2003-7011262 |            |                        |
|                                                                              |                   |                    | 12-24-2007 | Korean Office Action   |

818539

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.S./



## IDS PROSECUTION DOCUMENT COVER SHEET

### ATTENTION:

The documents listed in the table below are being provided in a **Supplemental Information Disclosure Statement** for Application Number 10/652,622 (see APPENDIX A).

These documents are copies of the prosecution documents from another application and are not being submitted as a separate or original filing.

Please do not record or file these documents in the Application identified therein or charge any fees associated therewith.

| DOCUMENTS FROM THE PROSECUTION OF OTHER U.S. AND FOREIGN PATENT APPLICATIONS |                   |                 |            |                                                                               |
|------------------------------------------------------------------------------|-------------------|-----------------|------------|-------------------------------------------------------------------------------|
| Examiner's Initials                                                          | Attorney Docket # | Application No. | Date       | Document                                                                      |
|                                                                              | 04137-0002U3      | 10/422,867      |            |                                                                               |
|                                                                              |                   |                 | 3-28-2008  | Response after Non-Final Rejection                                            |
|                                                                              |                   |                 | 2-8-2008   | Non-Final Rejection                                                           |
|                                                                              |                   |                 | 1-11-2008  | Response after Final Rejection                                                |
|                                                                              |                   |                 | 1-11-2008  | Terminal Disclaimer                                                           |
|                                                                              |                   |                 | 12-6-2007  | Final Rejection                                                               |
|                                                                              |                   |                 | 10-16-2007 | Response after Non-Final Rejection                                            |
|                                                                              |                   |                 | 7-10-2007  | Non-Final Rejection                                                           |
|                                                                              |                   |                 | 5-14-2007  | Response after Final Rejection                                                |
|                                                                              |                   |                 | 5-14-2007  | Terminal Disclaimer                                                           |
|                                                                              |                   |                 | 4-2-2007   | Final Rejection                                                               |
|                                                                              |                   |                 | 4-2-2007   | Examiner Interview Summary Record                                             |
|                                                                              |                   |                 | 1-8-2007   | Response after Non-Final Rejection                                            |
|                                                                              |                   |                 | 1-8-2007   | Terminal Disclaimer                                                           |
|                                                                              |                   |                 | 9-5-2006   | Non-Final Rejection                                                           |
|                                                                              |                   |                 | 8-8-2006   | Petition to Withdraw from Issue                                               |
|                                                                              |                   |                 | 8-8-2006   | Request for Continued Examination                                             |
|                                                                              |                   |                 | 11-21-2005 | Notice of Allowance and Fees Due                                              |
|                                                                              |                   |                 | 10-17-2005 | Pre-Brief Conference request                                                  |
|                                                                              |                   |                 | 10-17-2005 | Notice of Appeal filed                                                        |
|                                                                              |                   |                 | 6-15-2005  | Final Rejection                                                               |
|                                                                              |                   |                 | 3-28-2005  | Response after Non-Final Rejection                                            |
|                                                                              |                   |                 | 3-10-2005  | Informal or Non-Responsive Amendment                                          |
|                                                                              |                   |                 | 2-17-2005  | Notice to the Applicant regarding a non-compliant or non-responsive amendment |
|                                                                              |                   |                 | 2-7-2005   | Informal or Non-Responsive Amendment                                          |
|                                                                              |                   |                 | 10-5-2004  | Non-Final Rejection                                                           |
|                                                                              |                   |                 | 9-7-2004   | Preliminary Amendment                                                         |
|                                                                              |                   |                 | 4-15-2004  | Miscellaneous Incoming Letter                                                 |
|                                                                              |                   |                 | 10-16-2003 | Preliminary Amendment                                                         |

## IDS PROSECUTION DOCUMENT COVER SHEET

### ATTENTION:

The documents listed in the table below are being provided in a **Supplemental Information Disclosure Statement** for Application Number **10/652,622** (*see APPENDIX A*).

These documents are copies of the prosecution documents from another application and are not being submitted as a separate or original filing.

Please do not record or file these documents in the Application identified therein or charge any fees associated therewith.

| DOCUMENTS FROM THE PROSECUTION OF OTHER U.S. AND FOREIGN PATENT APPLICATIONS |                   |                 |            |                       |
|------------------------------------------------------------------------------|-------------------|-----------------|------------|-----------------------|
| Examiner's Initials                                                          | Attorney Docket # | Application No. | Date       | Document              |
| ██████████                                                                   | 04137.0002U6      | 11/437,993      | ██████████ | ██████████            |
|                                                                              |                   |                 | 4-9-2008   | Non-Final Rejection   |
|                                                                              |                   |                 | 12-6-2007  | Preliminary Amendment |
|                                                                              |                   |                 | 8-22-2006  | Preliminary Amendment |
|                                                                              |                   |                 | 7-13-2006  | Preliminary Amendment |

## IDS PROSECUTION DOCUMENT COVER SHEET

### ATTENTION:

The documents listed in the table below are being provided in a **Supplemental Information Disclosure Statement** for Application Number **10/652,622** (*see APPENDIX A*).

These documents are copies of the prosecution documents from another application and are not being submitted as a separate or original filing.

Please do not record or file these documents in the Application identified therein or charge any fees associated therewith.

| DOCUMENTS FROM THE PROSECUTION OF OTHER U.S. AND FOREIGN PATENT APPLICATIONS |                   |                    |            |                        |
|------------------------------------------------------------------------------|-------------------|--------------------|------------|------------------------|
| Examiner's Initials                                                          | Attorney Docket # | Application No.    | Date       | Document               |
|                                                                              | 04137.0002CA1     | CA 2,331,744       |            |                        |
|                                                                              |                   |                    | 4-17-2007  | Canadian Office Action |
|                                                                              |                   |                    | 2-14-2008  | Canadian Office Action |
|                                                                              | 04137.0003CN1     | CN 02807315.0      |            |                        |
|                                                                              |                   |                    | 1-21-2005  | Chinese Office Action  |
|                                                                              |                   |                    | 9-16-2005  | Chinese Office Action  |
|                                                                              | 04137.0003CN2     | CN 200480024847.8  |            |                        |
|                                                                              |                   |                    | 11-9-2007  | Chinese Office Action  |
|                                                                              | 04137.0003EA1     | EA 200600484       |            |                        |
|                                                                              |                   |                    | 1-16-2008  | Eurasian Office Action |
|                                                                              | 04137.0003EP1     | EP 02780737.9      |            |                        |
|                                                                              |                   |                    | 5-28-2007  | European Office Action |
|                                                                              | 04137.0003KR1     | KR 10-2003-7011262 |            |                        |
|                                                                              |                   |                    | 12-24-2007 | Korean Office Action   |

/Richard Schnizer/

10/23/2008